

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Servants – Sri M.Sangha Mitra, former Assistant Director of Agriculture (FAC) Bantumilli and Agricultural Officer (I/C) Bantumilli, Krishna District – Departmental Proceedings under Rule 20 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 – Inquiry conducted – Written Statement of Defence received – Final orders - Issued.

AGRICULTURE AND COOPERATION (VIG I) DEPARTMENT

G.O.Rt.No. 340

Dated:15-03-2010

Read the following:-

1. From the Registrar, Institution of A.P.Lokayukta, Lr. Dis.No. 204/ 2007 /B2 /5881/2008, dtd 7-6-2008.
2. Govt.Memo.No.9680/Vig.I-1/2008-9, dated 25-11-2008.
3. G.O.Rt.No.1459, A&C (Vig.I) Dept., dated 26-11-2008.
4. From Sri M.Sangha Mitra, former ADA w.s.d. dt. 3-1-2009.
5. G.O.Rt.No.703, A&C (Vig.i) Dept., dated 20-6-2009.
6. From the C&DA, Hyd Lr.No.Vigl(4)49/2008, dtd 31-8-2009 along with Inquiry report dt. 30-8-2009.
7. Govt.Memo.No.9680/Vig.I-1/2008-16, dated 11-9-2009.
8. From Sri M.Sangha Mitra, former ADA written repn., dt. 13-10-2009.

-oOo-

ORDER :-

Disciplinary action was initiated against Sri M.Sangha Mitra, former Assistant Director of Agriculture (FAC) Bantumilli and Agricultural Officer (I/C) Bantumilli, Krishna District and another by framing the following articles of charge against him vide reference 3rd read above

Articles of Charge I: That the said Sri M.Sangha Mitra, former Assistant Director of Agriculture (FAC) Bantumilli and Agricultural Officer (I/C) Bantumilli, Krishna District during the periods from 1-8-2005 to 27-4-2006 and from 5-3-2006 to 23-4-2006, even on noticing of time barred pesticides in the dealer premises, not exercised the powers of Insecticide Inspector under section 21 (1) (b) & (d) of Insecticides Act, 1968. Thus he has violated rule 3 of A.P.C.S. (Conduct) Rules, 1964

Articles of charge II: That the said Officer during the aforesaid period and while functioning in the aforesaid office, was shown in the photographic C.D. the seizure of stocks which was done as they were stored in unauthorized godown. He has not followed the procedure laid down in section 22 (1)(b) of Insecticide Act, 1968. Thus he has violated rule 3 of A.P.C.S. (Conduct) Rules, 1964

Articles of charge III: That the said officer. It is confirmed by the enquiry officer that the transaction of Rs. 1.00 lakh cheque between the dealer and Sri P.Lakshman Rao, Ryot was made in the presence of Sri M.Sangha Mitra, which shown violation of Code of Conduct Rule 20. Thus he has violated rule 3 of A.P.C.S. (Conduct) Rules, 1964

The above narration tends to prove that Sri M.Sanga Mitra, ADA and I/C AO., Bantumilli, Krishna District is not devoted to his duty and also tends to show that he has not maintained absolute discipline and sense of propriety. Thus he has violated rule 3 of A.P.C.S. (Conduct) Rules, 1964.

2. In the reference 4th read above, the Charged Officer, submitted his written statement of defence to the charges framed and denied the charges framed against him. After examining the written statement of defenses submitted by the Charged Officers, and denied the charges framed against him, Government appointed Smt. V.V.Vijayalaxmi, Addl. Director of Agriculture-IV, as Inquiry Authority to conduct a regular inquiry into the

Contd...2.

charges vide reference 5th read above. After conducting the inquiry the Inquiry Authority has submitted its inquiry report vide reference 6th read above. The Inquiry Officer in his inquiry report held that the charges I & II as proved and Charge No. III not proved against Sri M.Sangha Mitra, former Asst. Director of Agriculture. A copy of the Inquiry report was communicated to the Charged Officers vide in the reference 7th read above and requested the Charged Officer, to submit his representation, if any, on the findings of the Inquiry Officer.

3. The Charged Officer has submitted his written representation in respect of charge I stated that the charge in this regard is against the rules in vague and insecticide Act and where one should follow the procedure of the time barred chemicals as per 10(c), Insecticide a rules of the Rules 1971 and the charge is baseless and against the mandatory procedure and Insecticide Act, 1968. In respect of Charge II he has stated that no instructions was received from the higher authority in this regard and the total responsible lies with Dy. Director of Agriculture, who acted sincerely from the beginning to end with own powers as a being the District Authority. The Charged Officer, further stated that constraint factors like time, work load, lack of direction from Joint Director of Agriculture, and Govt. Priority work schedule of RCY he hold team leader from 1-4-2006 to 20-4-2006, is not facilitated with a ample sufficient time to lodge the personal involvement for taking action systematically as per the procedures laid down in this regard and with as simple reason of having holding of the in-charge responsibility has made the responsible officer and taking decision while assessment of case by the Inquiry Officer, and the charge is required more justification based on the circumstances existed and charge not at all confines in any way to him. He has finally requested the authority to do justice in the lands of law on hermitic grounds.

4. Government have carefully examined the written representation of the Charged officer with reference to the Inquiry report and records available and observed in respect of Charge I that Sri Sangha Mitra, Asst. Director of Agriculture (FAC) visited the dealer premises on 1-4-2006, further, as I/c Mandal Agriculture Officer Bantumilli the Charged Officer, was also Insecticide Inspector for that mandal during that period and it was the bound duty of Insecticide Inspector of his jurisdiction to exercise the powers of Insecticide Inspector as per section 21 of Insecticide Act 1968 and the Charged Officer, needs no further instructions to perform his duties. When the agitating farmers are holding a dharna in that village and alleged for selling of time barred chemicals his bound duty is to conduct inspection of the dealer premises for which the Charted Officer, failed to do so. In respect of Charge II that even though the Charged Officer, noticed unauthorized godown with stocks which was not included in the license of M/s Srinivasa Traders for storage purpose Sri.M.Sangha Mitra, former Asst. Director of Agriculture (FAC) Bantumilli and AO.,(I/C) Bantumilli, Krishna District failed to seize the stocks as per the procedure laid down in the section 22 1(b) of Insecticide Act 1968. Further, the Charged Officer, also failed to notice the door No. of the storage point was not included in the license and source of supply of some of the chemicals which were mentioned in the stock report are also not included in the license of the dealer on the date of incident. In respect of Charge III that the statement given by farmers, dealer and Departmental Officers regarding the presence of officers during the financial transaction are contradictory to each other and there is no substantial evidence of proof is available on record that the Charged Officer, is present during the financial transaction regarding compensation to farmers by the dealer.

5. After careful consideration of the records and the written representation of the Charged Officer, Government decided to impose a penalty of stoppage of two increments without cumulative effect against Sri M.Sangha Mitra, former Assistant Director of Agriculture (FAC) Bantumilli and Agricultural Officer (I/C) Bantumilli, Krishna District.

6. Accordingly, Government hereby impose a penalty of stoppage of two increments without cumulative effect against Sri M.Sangha Mitra, former Assistant Director of Agriculture (FAC) Bantumilli and Agricultural Officer (I/C) Bantumilli, Krishna District.

7. The Commissioner & Director of Agriculture, Hyderabad shall take further necessary action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**RACHEL CHATTERJEE
SPECIAL CHIEF SECRETARY TO GOVERNMENT**

To

Sri M.Sangha Mitra, former Assistant Director of Agriculture (FAC)
Bantumilli and Agricultural Officer (I/C) Bantumilli, Krishna District
(through the C&DA, Hyderabad.)

Copy to:

The Commissioner & Director of Agriculture, Hyderabad
SC/Sf.

// FORWARDED BY ORDER //

SECTION OFFICER